

(a) * * *
(4) Nuclear medicine by the Royal College of Physicians and Surgeons of Canada; or

(b) * * *
(2) * * *
(iii) Calculating and safely preparing patient or human research subject dosages;

(3) * * *
(i) Examining patients or human research subjects and reviewing their case histories to determine their suitability for radioisotope diagnosis, limitations, or contraindications;

(iii) Administering dosages to patients or human research subjects and using syringe radiation shields;

(v) Patient or human research subject followup; or

44. In § 35.930, the section heading and paragraph (a)(2) are revised to read as follows:

§ 35.930 Training for therapeutic use of unsealed byproduct material.

(a) * * *
(2) The American Board of Radiology in radiology, therapeutic radiology, or radiation oncology; or

45. In § 35.940, paragraph (a)(1) is revised to read as follows:

§ 35.940 Training for use of brachytherapy sources.

(a) * * *
(1) Radiology, therapeutic radiology, or radiation oncology by the American Board of Radiology;

46. In § 35.950, paragraph (a)(1) is revised and (a)(4) is added to read as follows:

§ 35.950 Training for use of sealed sources for diagnosis.

(a) * * *
(1) Radiology, diagnostic radiology, therapeutic radiology, or radiation oncology by the American Board of Radiology;

(4) Nuclear medicine by the Royal College of Physicians and Surgeons of Canada; or

47. In § 35.960, paragraphs (a)(1) and (b)(3)(iii) are revised to read as follows:

§ 35.960 Training for teletherapy.

(a) * * *
(1) Radiology, therapeutic radiology, or radiation oncology by the American Board of Radiology;

(b) * * *
(3) * * *
(iii) Calculating the teletherapy doses and collaborating with the authorized user in the review of patients' or human research subjects' progress and consideration of the need to modify originally prescribed doses as warranted by patients' or human research subjects' reaction to radiation; and

48. In § 35.961, paragraph (b) is redesignated as paragraph (c) and a new paragraph (b) is added to read as follows:

§ 35.961 Training for teletherapy physicist.

(b) Is certified by the American Board of Medical Physics in radiation oncology physics; or

49. Section 35.972 is revised to read as follows:

§ 35.972 Recentness of training.

The training and experience specified in this subpart must have been obtained within the seven years preceding the date of application or the individual must have had related continuing education and experience since the required training and experience was completed.

50. Section 35.980 is added to subpart J to read as follows:

§ 35.980 Training for an authorized nuclear pharmacist.

The licensee shall require the authorized nuclear pharmacist to be a pharmacist who:

(a) Has current board certification as a nuclear pharmacist by the Board of Pharmaceutical Specialties, or

(b)(1) Has completed 700 hours in a structured educational program consisting of both:

(i) Didactic training in the following areas:

- (A) Radiation physics and instrumentation;
- (B) Radiation protection;
- (C) Mathematics pertaining to the use and measurement of radioactivity;
- (D) Chemistry of byproduct material for medical use; and
- (E) Radiation biology; and

(ii) Supervised experience in a nuclear pharmacy involving the following:

- (A) Shipping, receiving, and performing related radiation surveys;
- (B) Using and performing checks for proper operation of dose calibrators,

survey meters, and, if appropriate, instruments used to measure alpha- or beta-emitting radionuclides;

(C) Calculating, assaying, and safely preparing dosages for patients or human research subjects;

(D) Using administrative controls to avoid mistakes in the administration of byproduct material;

(E) Using procedures to prevent or minimize contamination and using proper decontamination procedures; and

(2) Has obtained written certification, signed by a preceptor authorized nuclear pharmacist, that the above training has been satisfactorily completed and that the individual has achieved a level of competency sufficient to independently operate a nuclear pharmacy.

Dated at Rockville, Maryland, this 10th day of June, 1993.

For the Nuclear Regulatory Commission,
Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 93-14152 Filed 6-16-93; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 218

RIN 1010-AB83

Interest Rate Applicable to Late Payment or Underpayment of Monies Due on Solid Minerals and Geothermal Leases

AGENCY: Minerals Management Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Minerals Management Service (MMS) is proposing to amend its Royalty Management Program (RMP) regulations governing the rate of interest charged to lessees and other royalty payors on late or underpayment of monies due to the Federal Government on solid minerals and geothermal leases. This amendment would provide consistency between all mineral leases since the same interest rate will be used for late or underpayment of monies due for all mineral leases. The interest rate used for solid minerals and geothermal leases is currently prescribed by the Department of the Treasury (Treasury) as the "Treasury Current Value of Funds Rate" and would be changed to reference section 6621 of the Internal Revenue Code of 1954 for the applicable interest rate.

DATES: Written comments must be received on or before August 16, 1993.

ADDRESSES: Written comments regarding the proposed rule should be mailed or delivered to the Minerals Management Service, Royalty Management Program, Rules and Procedures Staff, Denver Federal Center, P.O. Box 25165, Mail Stop 3901, Denver, Colorado 80225-0165, Attention: David S. Guzy.

FOR FURTHER INFORMATION CONTACT: David S. Guzy, Chief, Rules and Procedures Staff, (303) 231-3432.

SUPPLEMENTARY INFORMATION: The principal author of this proposed rulemaking is Dennis C. Whitcomb, Audit Division, RMP, MMS.

I. Background

The rate of interest charged to lessees and payors on late or underpayment of monies due to the Federal Government on solid minerals and geothermal leases is established under regulations at 30 CFR 218.202 and 218.302. These regulations were promulgated under the Secretary of the Interior's plenary authority to establish necessary and appropriate rules pursuant to the Mineral Leasing Act of 1920 (30 U.S.C. 181 et seq.) and the Geothermal Steam Act of 1970 (30 U.S.C. 1001, et seq.) The regulations established a uniform method for calculating late payment or underpayment charges applicable to all onshore and offshore Federal and Indian oil and gas, solid minerals, and geothermal leases. Under the existing regulations, in the absence of a lease or contract provision specifying a different interest rate, the Treasury's Current Value of Funds Rate is applied to late or underpaid royalty revenues on the simple interest method.

With enactment of the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA), 30 U.S.C. 1721, on January 13, 1983, MMS implemented a new method to calculate late payment or underpayment charges for oil and gas leases. Sections 111 (a), (b), and (d) of FOGRMA provide that interest shall be "at the rate applicable" under section 6621 of the Internal Revenue Code of 1954, 26 U.S.C. 6621. Section 6621 establishes the rate of interest which must be applied to late or underpayment of taxes under 26 U.S.C. 6601(a).

The FOGRMA legislative history (H.R. Rep. No. 859, 97th Cong., 2d Sess. 36 (1982)), reprinted in 1982 U.S. Code, Congressional & Administrative News, 4268, 4290) provides the following reason for using the rate from the Internal Revenue Code:

Imposition of such high penalties against those owing money to the United States is to remove the incentives such persons may

have to hold the money owed and invest it rather than pay it on time to the MMS.

The inconsistency in late payment or underpayment charges between oil and gas leases versus solid minerals and geothermal leases was recently reported by the Department of the Interior's (Department) Office of Inspector General (OIG) to MMS. The OIG concluded that MMS:

• • • Had not established an effective deterrent to discourage delinquent payments of royalties for solid minerals such as coal and for geothermal leases. Although MMS charges for delinquent oil and gas lease payments based on a daily compounding interest rate, MMS allows late payment charges on solid minerals and geothermal leases to be calculated using a low, noncompounding simple interest rate (the Current Value of Funds Rate). The Code of Federal Regulations (4 CFR 102.13 (c)) states that an agency has the authority to assess a higher rate (than the Current Value of Funds Rate) if it determines that higher rate is necessary to protect the interests of the United States. The MMS did not increase the interest charges because it did not correctly evaluate the dollar impact of charging the lower rate. As a result, MMS continues to experience a high level of delinquent payments • • • MMS adopted the Internal Revenue Service's interest rate in the Federal Oil and Gas Royalty Management Act of 1982 to deter delinquent payment of oil and gas royalties by charging an above-market daily compounding interest rate. In our opinion, the current method of calculating late charges for delinquencies on solid minerals and geothermal payments serves as an incentive for companies to underpay royalties, as well as to delay royalty payments.

The OIG report recommended that MMS amend the provisions of 30 CFR part 218 to change the method of calculating late payment and underpayment charges for solid minerals and geothermal leases by using the same rates and methodology used for oil and gas leases. The MMS believes consistency for late payment and underpayment charges for all mineral leases at the rate applicable under section 6621 of the Internal Revenue Code of 1954 is appropriate and would serve as an effective deterrent to discourage delinquent payments.

II. Discussion of Proposed Rule

As noted above, Congress intended that late and underpayment charges act and an incentive to royalty payors to make required payments timely. This intent was to be fulfilled by adopting a higher interest rate that would encourage prompt payment. The interest rate adopted in FOGRMA for oil and gas leases was based on the rate established in section 6621 of the Internal Revenue Code of 1954 and was codified in the implementing regulations at 30 CFR

218.54. The MMS believes that there should be an effective incentive to pay royalties on a timely basis for mineral leases for all products and is therefore proposing to amend 30 CFR 218.202 and 218.302 to adopt, for solid minerals and geothermal leases respectively, the language applied under 30 CFR 218.54 to oil and gas leases. Accordingly, the same interest rate in 30 CFR 218.54 pertaining to oil and gas leases is proposed for 30 CFR 218.202 and 218.302 for solid minerals and geothermal leases.

The policy of the Department is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed rule to the location identified in the ADDRESSES section of this preamble. Comments must be received on or before the date identified in the DATES section of this preamble.

Procedural Matters

Executive Order 12291 and the Regulatory Flexibility Act

The Department has determined that this document is not a major rule under E.O.12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

The proposed rule is necessary to provide consistency in the existing regulations in applying the same interest rate for late payment or underpayment of monies due on solid minerals, geothermal, and oil and gas mineral leases.

Executive Order 12630

The Department certifies that the rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus, a Takings Implication Assessment need not be prepared pursuant to Executive Order 12630, "Government Action and Interference With Constitutionally Protected Property Rights."

Executive Order 12778

The Department has certified to the Office of Management and Budget that these proposed regulations meet the applicable standards provided in sections 2(a) and 2(b)(2) of Executive Order 12778.

Paperwork Reduction Act of 1980

This rule does not contain information collection requirements which require approval by the Office of

Management and Budget under 44 U.S.C. 3501 et seq.

National Environmental Policy Act of 1969

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and a detailed statement pursuant to paragraph (2)(C) of Section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is not required.

List of Subjects in 30 CFR part 218

Coal, Continental shelf, Electronic funds transfer, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Petroleum, Public lands—mineral resources, Reporting and recordkeeping requirements.

Dated: April 12, 1993.

Michael Dombeck,

Acting Assistant Secretary, Land and Minerals Management.

For the reasons set out in the preamble, 30 CFR part 218 is proposed to be amended as set forth below:

PART 218—COLLECTION OF ROYALTIES, RENTALS, BONUSES, AND OTHER MONIES DUE THE FEDERAL GOVERNMENT

1. The authority citation for part 218 is revised to read as follows:

Authority: 5 U.S.C. 301 et seq.; 25 U.S.C. 396 et seq.; 25 U.S.C. 396a et seq.; 25 U.S.C. 2101 et seq.; 30 U.S.C. 181 et seq.; 30 U.S.C. 351 et seq.; 30 U.S.C. 1001 et seq.; 30 U.S.C. 1701 et seq.; 31 U.S.C. 3716; 31 U.S.C. 3720A; 31 U.S.C. 9701; 43 U.S.C. 1301 et seq.; 43 U.S.C. 1331 et seq.; and 43 U.S.C. 1801 et seq.

2. Paragraphs (c) and (d) of § 218.202 under subpart E, Solid Minerals—General, are revised to read as follows:

§ 218.202 Late payment or underpayment charges:

* * * * *

(c) The interest charge on late payments shall be at the underpayment rate established by the Internal Revenue Code, 26 U.S.C. 6621(a)(2) (Supp. 1987).

(d) Interest will be charged only on the amount of the payment not received by the designated due date. Interest will be charged only for the number of days the payment is late.

* * * * *

3. Paragraphs (c) and (d) of § 218.302 under subpart F, Geothermal Resources, are revised to read as follows:

§ 218.302 Late payment or underpayment charges.

* * * * *

(c) The interest charge on late payments shall be at the underpayment rate established by the Internal Revenue Code, 26 U.S.C. 6621(a)(2) (Supp. 1987).

(d) Interest will be charged only on the amount of the payment not received by the designated due date. Interest will be charged only for the number of days the payment is late.

* * * * *

[FR Doc. 93-14288 Filed 6-16-93; 8:45 am]

BILLING CODE 4310-MR-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Ohio Permanent Regulatory Program; Revision of Administrative Rule

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; reopening of public comment period.

SUMMARY: OSM is reopening the public comment period for Revised Program Amendment Number 60 to the Ohio permanent regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment was initiated by Ohio and is intended to make the Ohio program as effective as the corresponding Federal regulations. The amendment concerns the extraction of more than 250 tons of coal under an exploration permit and the commercial use or sale of coal extracted during exploration.

This document sets forth the times and locations that the Ohio program and proposed amendments to that program will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendments, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received on or before 4 p.m. on July 2, 1993. If requested, a public hearing on the proposed amendments will be held at 1 p.m. on June 28, 1993. Requests to present oral testimony at the hearing must be received on or before 4 p.m. on June 24, 1993.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand-delivered to Mr. Richard J. Seibel, Director, Columbus Field Office, at the address listed below. Copies of the Ohio program, the proposed amendments, and all written

comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive, free of charge, one copy of the proposed amendments by contacting OSM's Columbus Field Office.

Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 2242 South Hamilton Road, room 202, Columbus, Ohio 43232. Telephone: (614) 866-0578.

Ohio Department of Natural Resources, Division of Reclamation, 1855 Fountain Square Court, Building H-3, Columbus, Ohio 43224. Telephone: (614) 265-6675.

FOR FURTHER INFORMATION CONTACT: Mr. Richard J. Seibel, Director, Columbus Field Office, (614) 866-0578.

SUPPLEMENTARY INFORMATION:

I. Background

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Information on the general background of the Ohio program submission, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1982 *Federal Register* (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Discussion of the Proposed Amendments

By letter dated January 15, 1993 (Administrative Record No. OH-1826), the Ohio Department of Natural Resources, Division of Reclamation (Ohio) submitted proposed Program Amendment No. 60. In this amendment, Ohio proposed to revise Ohio Administrative Code (OAC) rule 1501:13-4-02 to make that rule as effective as the corresponding Federal rules in 30 CFR part 772 concerning coal exploration.

OSM announced receipt of proposed Program Amendment Number 60 in the March 26, 1993, *Federal Register* (58 FR 16388), and, in the same document, opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period ended on April 26, 1993. The public hearing scheduled for April 20, 1993, was not held because no one requested an opportunity to testify.

On April 30, 1993, representatives of OSM and Ohio met informally to discuss OSM's initial questions and comments about the proposed